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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2055

MAURO D. ANTONIO, R.C.P.  
7224 Zest Street  
San Diego, CA 92139

**DEFAULT DECISION  
AND ORDER**

Respiratory Care Practitioner License No. 24702

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 1, 2007, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation No. R-2055 against MAURO D. ANTONIO, R.C.P. (Respondent) before the Respiratory Care Board.

2. On or about September 29, 2005, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. 24702 to Respondent. The Respiratory Care Practitioner License expired on October 31, 2006, and has not been renewed.

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1                   3.       On or about February 1, 2007, Jennifer Porcalla, an employee of the  
2 Complainant Agency, served by Certified and First Class Mail a true and correct copy of  
3 Accusation No. R-2055, Statement to Respondent, Notice of Defense, Request for Discovery,  
4 and Government Code sections 11507.5, 11507.6, and 11507.7, at Respondent's address of  
5 record with the Board, which was and is 7224 Zest Street, San Diego, CA 92139. A true and  
6 correct copy of the Accusation, the related documents, and Declaration of Service are attached as  
7 Exhibit A, and are incorporated herein by reference.

8                   4.       Service of the Accusation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c).

10                  5.       On or about February 7, 2007, the aforementioned documents were  
11 received at Respondent's address of record with the Board, which was and is 7224 Zest Street,  
12 San Diego, CA 92139. A true and correct copy of the postal Certified Mail Return Receipt is  
13 attached hereto as Exhibit B, and is incorporated herein by reference.

14                  6.       Business and Professions Code section 118 states, in pertinent part:  
15                   "(b) The suspension, expiration, or forfeiture by operation of law of a license  
16 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
17 board or by order of a court of law, or its surrender without the written consent of the board, shall  
18 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
19 board of its authority to institute or continue a disciplinary proceeding against the licensee upon  
20 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
21 taking disciplinary action against the license on any such ground."

22                  7.       Government Code section 11506 states, in pertinent part:  
23                   "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
24 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
25 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
26 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

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28                  8.       Respondent failed to file a Notice of Defense within 15 days after service

1 upon him of the Accusation, and therefore waived his right to a hearing on the merits of  
2 Accusation No. R-2055.

3 9. California Government Code section 11520 states, in pertinent part:

4 "(a) If the respondent either fails to file a notice of defense or to appear at the  
5 hearing, the agency may take action based upon the respondent's express admissions or  
6 upon other evidence and affidavits may be used as evidence without any notice to  
7 respondent."

8 10. Pursuant to its authority under Government Code section 11520, the Board  
9 finds Respondent is in default. The Board will take action without further hearing and, based on  
10 Respondent's express admissions by way of default and the evidence before it, contained in  
11 Exhibits A, B and C, finds that each of the charges and allegations, separately and severally, in  
12 Accusation No. R-2055 are true.

13 11. The Respiratory Care Board further finds that pursuant to Business and  
14 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed  
15 for in the Accusation total \$7,347.00, based on the Certification of Costs contained in Exhibit C.

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent MAURO D.  
18 ANTONIO, R.C.P. has subjected his Respiratory Care Practitioner License No. 24702 to  
19 discipline.

20 2. A true and correct copy of the Accusation and the related documents and  
21 Declaration of Service are attached.

22 3. The agency has jurisdiction to adjudicate this case by default.

23 4. The Respiratory Care Board is authorized to revoke Respondent's  
24 Respiratory Care Practitioner License No. 24702 based upon the following violations alleged in  
25 the Accusation:

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- 1 a. Business and Professions Code section 3750, subdivision (f)  
2 [Negligence];  
3 b. Business and Professions Code section 3750, subdivision (j) [Act  
4 or Acts of Dishonesty];  
5 c. Business and Professions Code section 3750, subdivision (k)  
6 [Falsifying Medical Records];  
7 d. Business and Professions Code section 3750, subdivision (o)  
8 [Incompetence]; and  
9 e. Business and Professions Code section 3750, subdivision (p)  
10 [Pattern of Substandard Care].

11 5. Respondent is hereby ordered to pay the above costs of investigation and  
12 enforcement of this action.

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ORDER

IT IS SO ORDERED that Respiratory Care Practitioner License No. 24702, heretofore issued to Respondent MAURO D. ANTONIO, R.C.P., is revoked.

Respondent is ordered to reimburse the Respiratory Care Board the amount of \$7,347.00 for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board for its costs. Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 4, 2007.

It is so ORDERED May 4, 2007.

Original signed by  
LARRY L. RENNER, BS, RRT, RCP, RPFT,  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA